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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,307	06/23/2000	Allen B. Childress	5053-27600	1776

7590 01/20/2006  
Eric B Meyertons  
Conley Rose & Taton PC  
PO Box 398  
Austin, TX 78767-0398

EXAMINER

FRENEL, VANEL

ART UNIT PAPER NUMBER

3626

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/603,307

Applicant(s)

CHILDRRESS ET AL.

Examiner

Vanel Frenel

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 60-63, 65, 68-75, 79-82, 84, 87-97, 99 and 102-108 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60-63, 65, 68-75, 79-82, 84, 87-97, 99 and 102-108 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **Notice to Applicant**

1. This communication is in response to the Appeal Brief filed on 07/20/05. Claims 60-63, 65, 68-75, 79- 82, 84, 87-97, 99 and 102-108 are pending.

2. In view of the Appeal Brief filed on 07/20/05, POSECUTION IS HEREBY REOPENED as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193 (b) (2).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 60-63, 65, 68-75, 79- 82, 84, 87-97, 99 and 102-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al (6,343,271) in view of Reed et al (5,862,325).

(A) As per claim 60, Peterson discloses a method for processing an insurance claim to estimate a value of the insurance claim (See Peterson, Col.6, lines 15-40), the method comprising:

displaying a first insurance claim processing step on a display device coupled to a computer (See Peterson, Col.7, lines 6-37);

receiving input regarding the first insurance claim processing step (See Peterson, Col.6, lines 15-40);

automatically determining a table of contents based at least on input received regarding the first insurance claim processing step (See Peterson, Col.8, lines 65 to Col.9, line 60);

automatically displaying the table of contents on the display device, wherein the table of contents comprises a list of the steps associated with the processing of the insurance claim, and wherein the list of steps comprises the first insurance claim processing step, and one or more additional insurance claim processing steps (See Peterson, Col.8, lines 65 to Col.9, line 60);

selecting a second insurance claim processing step, wherein the second insurance claim processing step comprises at least one of the additional insurance claim processing steps from the table of contents (See Peterson, Col.8, lines 48-67 to Col.9, line 45; Col.13, lines 1-38); and automatically displaying the second insurance

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claim processing step on the display device (See Peterson, Col.15, lines 49-67 to Col.16, line 20); receiving input regarding the second insurance claim processing step (See Peterson, Col.9, lines 18-67).

Peterson does not explicitly disclose that the method having automatically adding or deleting one or more steps from the table of contents in response to the received input from the first or second insurance claim processing step or automatically modifying the sequence of processing steps listed in the table of contents in response to the received input from the first or second insurance claim processing step.

However, this feature is known in the art, as evidenced by Reed. In particular, Reed suggests that the method having automatically adding or deleting one or more steps from the table of contents in response to the received input from the first or second insurance claim processing step or automatically modifying the sequence of processing steps listed in the table of contents in response to the received input from the first or second insurance claim processing step (See Reed, Col.18, lines 52-67 to Col.19, line 19; Col.73, lines 58 to Col.74, line 32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Reed within the system of Peterson with the motivation of providing program which can be used to create, edit, and maintain data, metadata and instructions in a provider database (See Reed, Col.8, lines 64-66).

(B) As per claim 61, Peterson discloses the method wherein displaying the second insurance claim processing step comprises displaying a report on the display device,

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wherein the report comprises a value of the insurance claim, and wherein the report is determined based on information input in the first insurance claim processing step and on any insurance claim processing steps in between the first insurance claim processing step and the second insurance claim processing step (See Peterson, Col.15, lines 49-67 to Col.16, line 20).

(C) As per claim 62, Peterson discloses the method further comprising: redisplaying the first insurance claim processing step after displaying the second insurance claim processing step (See Peterson, Col.14, lines 26-40).

(D) As per claim 63, Peterson discloses the method further comprising: redisplaying the first insurance claim processing step after displaying the second insurance claim processing step, and receiving input regarding the first insurance claim processing step after redisplaying the first insurance claim processing step (See Peterson, Col.8, lines 17-47).

(E) As per claim 65, Peterson discloses the method wherein the insurance claim comprises a bodily injury claim, and wherein processing the insurance claim to estimate the value of the insurance claim comprises processing the bodily injury claim to estimate a bodily injury general damages value (The Examiner interprets diagnosis, treatment, or claim form that is already partially prepared with the patient's personal,

medical, and/or benefits information to be a form of estimating a bodily injury general damages value See Peterson, Col.8, lines 17-25).

(F) As per claim 68, Peterson discloses the method wherein insurance claim processing steps comprise steps for entry of information relevant to the estimate of the value of the insurance claim (The Examiner interprets diagnosis, treatment, or claim form that is already partially prepared with the patient's personal, medical, and/or benefits information to be a form of estimating a bodily injury general damages value See Peterson, Col.8, lines 17-25).

(G) As per claim 69, Peterson discloses the method wherein the information relevant to the estimate of the value of the insurance claim comprises bodily injury treatment information (The Examiner interprets diagnosis, treatment, or claim form that is already partially prepared with the patient's personal, medical, and/or benefits information to be a form of estimating a bodily injury general damages value See Peterson, Col.8, lines 17-25).

(H) As per claim 70, Peterson discloses the method wherein the information relevant to the estimate of the value of the insurance claim comprises bodily injury damages information (The Examiner interprets diagnosis, treatment, or claim form that is already partially prepared with the patient's personal, medical, and/or benefits

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information to be a form of estimating a bodily injury general damages value See Peterson, Col.8, lines 17-25).

(I) As per claim 71, Peterson discloses the method wherein the table of contents further comprises pointers to display screens associated with the insurance claim processing steps (See Peterson, Col.8, lines 17-47).

(J) As per claim 72, Peterson discloses the method further comprising: storing information input at one or more insurance claim processing steps (See Peterson, Col.14, lines 26-40).

(K) As per claim 73, Reed discloses the method wherein insurance claim processing steps are associated with display in table of contents properties (See Reed, Fig.22); and wherein determining the table of contents comprises determining insurance claim processing steps associated with display in table of contents properties which indicate that the insurance claim processing steps should be included in the table of contents (See Reed, Col.18, lines 52-67 to Col.19, line 19; Col.73, lines 58 to Col.74, line 32).

(L) As per claim 74, Reed discloses the method wherein insurance claim processing steps are associated with display in table of contents properties (See Fig.22), wherein determining the table of contents comprises determining insurance claim processing steps associated with display in table of contents properties which



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indicate that the insurance claim processing steps should be included in the table of contents, and wherein at least on display in table of contents properties comprises a condition which specifies when an associated insurance claim processing step should be included in the table of contents (Col.18, lines 52-67 to Col.19, line 19; Col.73, lines 58 to Col.74, line 32).

(M) As per claim 75, Peterson discloses a method of processing an insurance claim using an insurance claim processing system (See Peterson, Col.7, lines 6-56); comprising:

receiving a request to estimate an insurance claim, wherein the request comprises a claim identifier associated with the insurance claim (See Peterson, Col.16, lines 1-55);

selecting at least one step associated with the insurance claim (See Peterson, Col.6, lines 15-40); if the selected step is not the end step then: providing a display on a display device coupled to a computer system associated with the selected step (See Peterson, Col.7, lines 6-37); receiving input associated with the selected step (See Peterson, Col.6, lines 15-40); storing the input received (See Peterson, Col.15, lines 6-28); and if the selected step is the end step then: providing a display on the display device comprising an estimated value of the insurance claim (See Peterson, Col.6, lines 15-40);

determining a table of contents associated with the claim identifier (See Peterson, Col.16, lines 1-55).

Peterson does not explicitly disclose wherein the table of contents display represents one or more steps for processing the insurance claim, and wherein at least one step comprises an end step; automatically adding or deleting one or more steps from the table of contents in response to the received input from the selected insurance claim processing step or automatically modifying the sequence of processing steps listed in the table of contents in response to the received input form the selected insurance claim processing step.

However, these features are known in the art, as evidenced by Reed. In particular, Reed suggests that the method having determining wherein the table of contents display represents one or more steps for processing the insurance claim, and wherein at least one step comprises an end step (See Reed, Col.18, lines 52-67 to Col.19, line 19; Col.73, lines 58 to Col.74, line 32);

automatically adding or deleting one or more steps from the table of contents in response to the received input from the selected insurance claim processing step or automatically modifying the sequence of processing steps listed in the table of contents in response to the received input form the selected insurance claim processing step (See Reed, Col.18, lines 52-67 to Col.19, line 19; Col.73, lines 58 to Col.74, line 32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Reed within the system of Peterson with the motivation of providing program which can be used to create, edit, and maintain data, metadata and instructions in a provider database (See Reed, Col.8, lines 64-66).

(N) As per claim 79, Peterson discloses a system for processing an insurance claim to estimate a value of the insurance claim (See Peterson, Col.7, lines 6-56), the system comprising:

a CPU (See Peterson, Col.17, lines 1-15);

a display device coupled to the CPU (See Peterson, Col.16, lines 9-20);

a memory coupled to the CPU, wherein the memory stores program instructions which are executable by the CPU to display a first insurance claim processing step (See Peterson, Col.6, lines 15-40);

receive input regarding the first insurance claim processing step (See Peterson, Col.6, lines 15-40);

automatically determine a table of contents in response to input received regarding the first insurance claim processing step (See Peterson, Col.6, lines 15-40);

automatically display the table of contents, wherein the table of contents comprises a list of the steps associated with the processing of the insurance claim, and wherein the list of steps comprises the first insurance claim processing step, and one or more additional insurance claim processing steps (See Peterson, Col.8, lines 65 to Col.9, line 60);

select a second insurance claim processing step, wherein the second insurance claim processing step comprises at least one of the additional insurance claim processing steps from the table of contents (See Peterson, Col.8, lines 48-67 to Col.9, line 45; Col.13, lines 1-38);

automatically display the second insurance claim processing step on the display device (See Peterson, Col.15, lines 49-67 to Col.16, line 20).

Peterson does not explicitly disclose that the system having automatically adding or deleting one or more steps from the table of contents in response to the received input from the first or second insurance claim processing step or automatically modifying the sequence of processing steps listed in the table of contents in response to the received input from the first or second insurance claim processing step.

However, these features are known in the art, as evidenced by Reed. In particular, Reed suggests that the system having automatically adding or deleting one or more steps from the table of contents in response to the received input from the first or second insurance claim processing step or automatically modifying the sequence of processing steps listed in the table of contents in response to the received input from the first or second insurance claim processing step (See Reed, Col.18, lines 52-67 to Col.19, line 19; Col.73, lines 58 to Col.74, line 32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Reed within the system of Peterson with the motivation of providing program which can be used to create, edit, and maintain data, metadata and instructions in a provider database (See Reed, Col.8, lines 64-66).

(O) Claims 80-82, 84, 87-93, 95-97, 99 and 102-108 recite the underlying process steps of the elements of claims 61-63, 65 and 68-74 respectively. As the various elements of claims 61-63, 65 and 68-74 have been shown to be either disclosed by or

obvious in view of the collective teachings of Peterson and Reed, it is readily apparent that the apparatus disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 80-82, 84, 87-93, 95-97, 99 and 102-108 are rejected for the same reasons given above for method claims 61-63, 65 and 68-74, and incorporated herein.

(P) Claim 94 differs from claims 60, 75, 79 and 94 by reciting a carrier medium comprising program instructions for processing an insurance claim to estimate a value of the insurance claim, wherein the program instructions are computer-executable to implement.

As per this limitation, it is noted that Peterson discloses displaying a first insurance claim processing step (See Peterson, Col.7, lines 6-37); receiving input regarding the first insurance claim processing step (See Peterson, Col.7, lines 6-37);

automatically determining a table of contents based at least in part on input received regarding the first insurance claim processing step (See Peterson, Col.8, lines 65 to Col.9, line 60);

automatically displaying a table of contents, wherein the table of contents comprises a list of the steps associated with the processing of the insurance claim, and wherein list of steps comprises the first insurance claim processing step, and one or more additional insurance claim processing steps (See Peterson, Col.8, lines 65 to Col.9, line 60);

selecting a second insurance claim processing step, wherein the second insurance claim processing step comprises at least one of the additional insurance claim processing steps from the table of contents (See Peterson, Col.8, lines 48-67 to Col.9, line 45; Col.13, lines 1-38); automatically displaying the second insurance claim processing step on the display device (See Peterson, Col.15, lines 49-67 to Col.16, line 20); and Reed discloses automatically adding or deleting one or more steps from the table of contents in response to the received input from the first or second insurance claim processing step or automatically modifying the sequence of processing steps listed in the table of contents in response to the received input from the first or second insurance claim processing step (See Reed, Col.18, lines 52-67 to Col.19, line 19; Col.73, lines 58 to Col.74, line 32).

Thus, it is readily apparent that these prior art systems utilize program instructions to perform their specified function.

The remainder of claim 94 is rejected for the same reason given above for claims 60, 75, 79 and 94, and incorporated herein.

### **Response to Arguments**

5. Applicant's arguments filed 07/18/05 with respect to claims 60-63, 65, 68-75, 79-82, 84, 87-97, 99 and 102-108 have been fully considered but are moot in view of the new ground (s) of rejection.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to

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applicant's disclosure. The cited but not applied art teaches system and method for preventing duplicate transactions in an internet browser/internet server environment (6,237,035) and system and method for changing the characteristics of a button by direct manipulation (5,914,714).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

V.F

V.F

October 1, 2005

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER